



Attorney Docket 183-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Algirdas A. Underys)	Attention:
Serial No.:	08/991,113)	Primary Examiner
Filing Date:	December 16, 1997)	Wyszomierski
Title:	Heat Treatment Method and Apparatus)	Group 1742

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The Honorable Commissioner
of Patents and Trademarks
Washington, DC 20231

ON REMAND
FROM THE BOARD
(Formerly Appeal No. 10,359)

AMENDMENT

We have reviewed with care the rejections set out in the August 5, 2002, Office Action but, with deference, we do not believe they are sustainable on legal or factual grounds and therefore reconsideration is respectfully requested for the following reasons.

In considering a nonstatutory double patenting rejection under the judicially created doctrine of obviousness - type double patenting, the claims of the application and the claims of the patent must be the focus of attention. ¶804, II, B., 1, MPEP, 8th Ed. We respectfully submit that a comparison of the claims of the instant application against the claims of the common owner's patent 6398885 shows clearly that the claimed inventions are patentably distinct from one another, and hence no issue of double patenting is present. For clarity we separate our following remarks into three sub-divisions, the claims in each sub-division being